

FILED

MAR -6 2019

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEFFREY DALE EISENBATH,

Defendant.

No.

4:19CR00193 AGF/NAB

INDICTMENT

COUNT I

The Grand Jury charges that:

At all times pertinent to the charges in this indictment:

1. Federal law defined the term

(a) "minor" to mean any person under the age of eighteen years (18 U.S.C. § 2256(1));

(b) "sexually explicit conduct" to mean actual or simulated--

(i) sexual intercourse, including genital-genital, anal-genital, oral-genital, oral-anal, whether between persons of the same or opposite sex,

(ii) bestiality,

(iii) masturbation,

(iv) sadistic or masochistic abuse, or

(v) lascivious exhibition of the anus, genitals, or pubic area of any person (18 U.S.C. §2256(2)(A));

(c) "computer" to mean an electronic, magnetic, optical, electrochemical or other high speed data processing device performing logical, arithmetic or storage functions, including any

data storage facility or communications facility directly related to or operating in conjunction with such device. (18 U.S.C. § 2256(6));

(d) "child pornography" to mean any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where--

(A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; or

(C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct. (18 U.S.C. § 2256(8)).

2. The "Internet" was, and is, a computer communications network using interstate and foreign lines to transmit data streams, including data streams used to store, transfer and receive graphic files.

3. Between on or about November 1, 2017, and on or about January 22, 2018, in the Eastern District of Missouri, and elsewhere,

JEFFREY DALE EISENBATH,

the defendant herein, did knowingly employ, use, persuade, induce, and entice Victim 1, a minor female, to engage in sexually explicit conduct, specifically, Jeffrey Dale Eisenbath recorded Victim 1 in a lascivious display of her genitals, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, and such depictions were actually transported in interstate commerce,

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

COUNT II

The Grand Jury further charges that:

4. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.

5. Between on or about November 1, 2017, and on or about January 22, 2018, in the Eastern District of Missouri, and elsewhere,

JEFFREY DALE EISENBATH,

the defendant herein, did knowingly employ, use, persuade, induce, and entice Victim 2, a minor female, to engage in sexually explicit conduct, specifically, Jeffrey Dale Eisenbath recorded Victim 2 in a lascivious display of their genitals, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, and such depictions were actually transported in interstate commerce,

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

COUNT III

The Grand Jury further charges that:

6. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.

7. Between on or about November 1, 2017, and on or about January 22, 2018, within the Eastern District of Missouri and elsewhere,

JEFFREY DALE EISENBATH,

the defendant herein, knowingly received images of child pornography using any means or facility of interstate and foreign commerce, that is, the defendant received graphic image and

video files via the Internet which contained child pornography, including, but not limited to, the following:

- a. "Collection9-Video032._2780_3111new_awesome_1562_.mp4" – a graphic video file depicting, in part, a prepubescent minor female performing oral sex on a male until the male ejaculates into the minor female's mouth;
- b. "secrets.458.mp4" - a graphic video file depicting, in part, a prepubescent minor female in a lascivious display of her genitals;
- c. "collections-video019._clip_no.114.mp4" - a graphic video file depicting, in part, a prepubescent minor female in a lascivious display of her genitals and her vagina being digitally penetrated; and
- d. "collection6_video028.8_yo_2777_3111_and_1795_full_1108_chunk_2.mp4" - a graphic video file depicting, in part, a prepubescent minor female engaged in oral and vagina sex with an adult male.

In violation of Title 18, United States Code, Section 2252A(a)(2).

COUNT IV

The Grand Jury further charges that:

8. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.

9. Between on or about January 1, 2018, and on or about January 22, 2018, within the Eastern District of Missouri and elsewhere,

JEFFREY DALE EISENBATH,

the defendant herein, did knowingly possess material that contained an image of child pornography that was produced using materials that traveled in interstate and foreign commerce, to wit, a Western Digital My Passport external hard drive, said hard drive having been produced

outside Missouri and therefore having traveled in interstate and foreign commerce, and said hard drive contained child pornography, including but not limited to, the following:

- a. "8yo girl gets mouthful.mpg" - a graphic video file depicting, in part, a minor female performing oral sex on an adult male;
- b. "4yo Rape original sound.avi" - a graphic video file depicting, in part, a prepubescent minor female being vaginally penetrated by an adult male while she cries;
- c. "5yo willing-private ass play HQ+CU.avi" - a graphic video file depicting, in part, a prepubescent minor female in a lascivious display of her genitals and her vagina being digitally penetrated; and
- d. "5yo cum on pussy and bum.mpg" - a graphic video file depicting, in part, a prepubescent minor female in a lascivious display of her genitals.

In violation of Title 18, United States Code, Section 2252A(a)(5)(B).

FORFEITURE ALLEGATION

The Grand Jury further finds by probable cause that:

1. Pursuant to Title 18, United States Code, Section 2253, upon conviction of an offense in violation of Title 18, United States Code, Sections 2251(a), 2252A(a)(2) and 2252A(a)(5)(B), as set forth in Counts I through III of the Indictment, the defendant shall forfeit to the United States of America: any visual depiction as described in Sections 2251, 2251A, 2252, 2252A or 2260 of Title 18, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Chapter 110 of Title 18; any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and any

property, real or personal; used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.

2. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America will be entitled to the forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

A TRUE BILL.

FOREPERSON

JEFFREY B. JENSEN
United States Attorney

KYLE T. BATEMAN, #996646DC
Assistant United States Attorney